
CITY OF KINGMAN
REGULAR MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street

6:00 P.M.

Minutes

Monday, December 21, 2009

Members:	Officers:	Visitors Signing In:
J. Salem, Mayor	C. Cooper, City Attorney	See attached list
J. Watson, Vice Mayor	J. Kramer, City Manager	
K. Deering	D. Francis, City Clerk	
R. Gordon	D. King, Deputy City Clerk	
R. Lyons	G. Jeppson, Development Services Director	
K. Walker	R. Owen, Public Works Director	
C. Young	G. Henry, City Engineer	
	C. Osterman, Fire Chief	
	R. DeVries, Police Chief	
	T. Duranceau, Planning & Zoning Administrator	

REGULAR MEETING

CALL TO ORDER & ROLL CALL

Mayor Salem called the meeting to order at 6:00 p.m. and roll call was taken. All Council Members were present. The Invocation was given by Pastor Steve McCall of the Desert Church of Christ, after which the Pledge of Allegiance was said in unison.

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES

The Work Session minutes of December 7, 2009 and the Regular Meeting minutes of December 7, 2009

Vice Mayor Watson stated that the time of adjournment for the Work Session was recorded incorrectly on the minutes; instead of 7:57 p.m. the meeting was adjourned at 5:57 p.m.

Vice Mayor Watson made a MOTION to APPROVE the Work Session meeting minutes with the noted correction and to approve the Regular Meeting minutes as written. Councilmember Deering SECONDED and it was UNANIMOUSLY APPROVED.

2. AWARDS/RECOGNITION

The Organizers of the 5th Annual Dick Tomlin's Spirit of Triathlon Plaque Presentation
The organizers of the 5th Annual Dick Tomlin's Spirit of Triathlon wish to thank the City of Kingman for its help and cooperation in making the event possible.

After the Call to the Public, Mayor Salem read the plaque that was presented to the City of Kingman by the organizers of the 5th Annual Dick Tomlin Spirit of Triathlon.

3. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments should be limited to no longer than 3 minutes.

Dick Anderson, President of the Lower Colorado River Resource Conservation and Development Council (LCRRCDC), addressed the City Council. Mr. Anderson discussed his Council's private well testing program. He went on to say that 12% of the 50+ wells tested in Mohave County were contaminated. Mr. Anderson stated that he contacted two local realtors to state his concerns because at the time of sale of these properties, well testing results were not disclosed. He went on to say that he was advised to write a letter to Kingman/Golden Valley Association of Realtors outlining the LCRRCDC's concerns. Mr. Anderson requested that the City of Kingman provide an endorsement of the LCRRCDC's that properties for sale that include wells include operation and maintenance procedures and latest well water testing results so that his organization can include the endorsement in their letter to the Kingman/Golden Valley Association of Realtors.

Mr. Anderson also discussed energy conservation, upgrades, and renewables. He went on to state that his organization, along with the local energy companies, recently did an audit of the Medical Sciences Building at Mohave Community College. They were able to improve energy efficiency by around 70% at a cost of around \$50,000 at this facility.

Mr. Anderson stated that his Council currently has a vacancy of its At Large Representative of Mohave County. He went on to say that the LCRRCDC are looking for someone to fill this vacancy.

Mr. Anderson stated the City of Kingman Grant Administrator Bill Shilling will be attending the LCRRCDC's annual meeting in Parker on January 14, 2010. The state Conservationist and all 5 Council Coordinators will be present at the annual meeting.

4. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

a. Economic Development Marketing Commission (EDMC) Participation in University of Arizona Community Business Matching Grant Project

Erik C. Glenn, Area Assistant Agent for Community Resource Development for the University of Arizona made a presentation to EDMC at its December 4, 2009 meeting. Mr. Glenn asked that EDMC participate in the project by conducting community surveys to help gather information for the project. **Staff recommends EDMC be allowed to participate in this project.**

b. Expenditure of Funds

The Court currently has a video system installed in one courtroom to hear cases involving defendants who are in custody. Additionally, the system allows for communication between Courts and other agencies. Given the increased demands for Court hearings, it is necessary to install a video system in our second courtroom. The cost of this system is approximately \$8,000. Funds are available through our local Court Enhancement Fund. Pursuant to City Ordinance, the Council must appropriate the funds. **Staff recommends appropriation of funds for video system.**

c. Amendment to the Agreement with Shephard Wesnitzer, Inc. (SWI) for Design Services for Bank Street Reconstruction, ENG 09-026

City Council approved the original agreement with SWI for design services on the Bank St. Reconstruction project on June 1, 2009. SWI is requesting an amendment to the above agreement for some additional work on the project side streets amounting to \$3,360.00 per the attached proposal. Staff has reviewed this request and found it acceptable. **Staff recommends approval of an amendment to the SWI agreement in the amount of \$3,360.00.**

d. Acceptance and Approval of Final Payment for the Bank Street and Gordon Traffic Signal (Eng07-022)

City Council awarded the above project to Roadway Electric, Inc. at their June 1, 2009 meeting. The traffic signal was activated in early November, 2009 and the Contractor has completed the necessary punch list items for the acceptance of this project and the approval of the final pay request of \$14,526.00. **Staff recommends final acceptance of the Bank Street and Gordon Drive traffic signal project and approval of the final payment in the amount of \$14,526.00.**

e. Consideration of Resolution No. 4651 Accepting the Improvements for Stockton Airway Center, Tract 6007 into the City Maintenance System

This is a request from Stockton Airway Center, LLC, property owner, and Mohave Engineering Associates, project engineer, to accept the improvements for Stockton Airway Center, Tract 6007 into the City maintenance system. The final plat and improvements plans for Stockton Airway Center, Tract 6007 were approved by Resolution No. 4651 on November 5, 2007. All improvements for this subdivision were to be completed before recording the final plat as the method of assurance. The City of Kingman Engineering Department has inspected and confirmed that improvements associated with the above referenced subdivision have been satisfactorily installed in accordance with the approved plans and ordinances of the City of Kingman. **Staff recommends approving Resolution No. 4651.**

f. Economic Development Marketing Commission (EDMC) Grant Opportunity

A grant opportunity through the Arizona Department of Commerce has come to the attention of the EDMC. A total of \$104,000 is available to assist communities and counties in the economic development of general/comprehensive updates, market analysis, business retention and expansion efforts, evaluating community resources, tourism, business attraction, strategies that enhance community attractiveness, increase basic job opportunities, and investment in community growth. This grant application is due by January 11, 2009. **Recommend staff be directed to proceed with the application process.**

Councilmember Deering made a MOTION to APPROVE the Consent Agenda with the

exception of items 4b and 4f. Councilmember Walker **SECONDED** and it was **UNANIMOUSLY APPROVED**.

Mayor Salem stated that staff requested that item 4b be tabled indefinitely.

Vice Mayor Watson made a **MOTION** to **TABLE** item 4b. Councilmember Gordon **SECONDED** and it was **UNANIMOUSLY APPROVED**.

Mayor Salem stated that item 4f is not ready for consideration but will be ready for the January 4, 2010 City Council meeting.

Councilmember Deering made a **MOTION** to **TABLE** item 4f until the January 4, 2010 City Council meeting. Vice Mayor Watson **SECONDED** and it was **UNANIMOUSLY APPROVED**.

(Resolution No. 4651)

5. OLD BUSINESS

Rental of Office Space in the Powerhouse by the Kingman Area Chamber of Commerce

Kingman Area Chamber of Commerce President/CEO Beverly Liles has expressed interest in moving the Chamber's offices from their current location in the Powerhouse to the office space vacated by the City Attorney's Office, also in the Powerhouse. **Staff recommends renting the space to the Kingman Area Chamber of Commerce.**

Brian Harris, Chairman of the Board of the Kingman Area Chamber of Commerce, addressed the Council. Mr. Harris requested that the City consider renting a portion of the space previously occupied by the City Attorney's office to the Chamber. He went on to ask that the City consider this request so that the Chamber can present a more professional image to the public as well as provide a quieter area since the space is on the opposite side of the building and further from the train tracks. Mr. Harris stated that this is a good opportunity for the Chamber as well as the City of Kingman.

Councilmember Gordon stated that the space previously occupied by the City Attorney's office is 1,820 square feet; however, the Chamber only wants to rent half of the space. She went on to ask if anyone is interested in renting the entire space and if it will be more difficult to rent the smaller space. Councilmember Gordon stated that currently the City contributes over \$100,000 to keep the Powerhouse open so she believes that the decision made by Council must be in the best interests of the City.

Councilmember Young agreed with Councilmember Gordon and stated that from a business perspective it would be easier to rent the space as a whole and that it is not a good business decision to allow the Chamber to move to a smaller space which would decrease their rent by \$200 per month. She went on to say that the term of the contract changes from 42 months to 36 months which also will result in a loss of revenue if they do not renew their contract. Councilmember Young stated that it would be to the City's benefit to rent the entire space.

Councilmember Lyons stated that the City has had trouble leasing the area in the past. City Manager Jack Kramer stated that in the past he has received inquiries for the smaller areas. He went on to say that he has had one inquiry in the past 30 days for a small office space. Mr. Kramer stated that the space was too expensive for the prospective renter. He went on to say that Council has not yet directed him to aggressively market the space.

Councilmember Deering stated that it is not an optimum time to market rental property. He went on to state that he agrees that the Chamber needs to look professional and have attractive offices. Councilmember Deering went on to state that the City subsidizes the building so decisions are the fiscal responsibility of the Council.

Vice Mayor Watson stated that the lease has a 90 day cancellation clause. She went on to state that the City could rent the property to the Chamber and if something comes up within 90 days the Chamber's lease could be cancelled. Councilmember Gordon suggested tabling a decision for a month or two during which the space could be marketed. Councilmember Deering asked if the City has a realtor that represents this property. Mr. Kramer stated that prospective tenants contact his office. He went on to say that he has had 2 inquiries in the past year and neither party has actually rented space.

Vince Holton, member of the Board of Directors of the Chamber of Commerce and local property manager, addressed the Council. Mr. Holton stated that the Chamber is the de facto receptionist for the City of Kingman and, as such, appearance is very important. He went on to state that the current space occupied by the Chamber is not nice enough. Mr. Holton stated that .85 cents per foot is expensive in today's market. He went on to state that prices have gone down substantially, there are lots of vacancies, and businesses are downsizing their office space so the smaller spaces are rented more quickly.

Councilmember Gordon asked why the lease includes the purpose of the Visitor Center. City Attorney Carl Cooper stated that portion can be removed from the lease if the Council would like.

Mayor Salem asked if the Chamber was willing to rent the entire space. Chamber of Commerce President/CEO Beverly Liles stated that she considered renting the entire space and using part of it as a meeting area instead of the room currently used downstairs. She went on to say that it would be used rarely and doubts that the Chamber's Board of Directors would approve the expense. Ms. Liles went on to say that this space was always divided until the City Attorney's office moved into the space. She stated that when the Chamber moves their old office, which is 1,060 square feet with kitchen facilities, will be available to rent.

Mayor Salem asked if she considers her current office space to be a "dump". Ms. Liles stated that she does not; however, the Chamber likes the idea of having the separate offices and exterior windows. Councilmember Gordon stated that the Chamber is the first and only tenant of their current offices. Ms. Liles agreed and stated that the Chamber paid for renovations to their current office space.

Councilmember Deering asked if the Chamber would grow as the economy improves and be able to utilize the entire space. Ms. Liles stated that she cannot foresee that at this time. Councilmember Deering stated that it would be an advantage to a business to be located

next to the Chamber. Ms. Liles stated that the Powerhouse is a Visitor's Center and any business wishing to locate there would have to fit into the mission of the building.

Councilmember Lyons stated that he believes the Chamber should be located on the first floor for the best visibility and accessibility. He went on to say that since that is not possible he believes the Council should approve the lease.

Councilmember Lyons made a MOTION to APPROVE the lease with the Kingman Area Chamber of Commerce. Vice Mayor Watson SECONDED.

Councilmember Young requested that the term of the lease be changed to 42 months. Ms. Liles agreed. Councilmember Gordon stated that she would be more comfortable approving this lease if there was a proactive plan in place to market the other rental space. Ms. Liles stated that it is her understanding that she and Mr. Kramer will be working together to market the space.

Vice Mayor Watson stated that staff recommends approving the agreement. The Chamber has been a good tenant and the City is very fortunate to have them in the Visitor Center. Vice Mayor Watson stated that the remaining property should be marketed but that has nothing to do with whether or not the Chamber should be allowed to lease this space.

With no other comments and the change of the term of the lease to 42 months, the MOTION was UNANIMOUSLY APPROVED.

6. **NEW BUSINESS**

Request for Council Direction on a Proposed Annexation 2009-002, 1,580 Acres Located East of the Rattlesnake Wash Area, South of Airway Avenue Extended, North of I-40, in Sections 1 and 12 and a Portion of 13, Which Includes BLM Lands, all in T21N, R16 W
The Development Services /City Planning Office has been working on an area plan for areas east of Rattlesnake Wash and the Vista Bella area, and north of I-40, and south of the Airport property. Included in this over seven square mile planning area are lands that the Council had expressed an interest in reviewing for possible annexation. These areas are between the taxing jurisdiction of the Pinon Pines Fire District on the east and the current City limits on the west. The possible annexation area is located north of I-40 and includes 1,580 acres including approximately 480 acres of BLM property. At this juncture, the staff requests Council direction if they wish to proceed with a process to review the pros and cons of annexing the area, and to initiate the formal process of annexation. The area is primarily undeveloped, with a few scattered houses, and a gravel pit. There are no water lines currently available for extensions in the area and, the closest sewer line is at least 1.5 miles away. Airway Avenue to the area is not improved. There are potentially over 100 property owners in the area. Currently Fire service into the area would be from Station 4 on Eastern and Karen or via the Airway. **Staff recommends that Council authorize the annexation effort go forward.**

Mayor Salem and Councilmember Deering recused themselves from this item. Vice Mayor Watson assumed control of the meeting.

Planning and Zoning Administrator Tom Duranceau addressed the Council. Mr. Duranceau stated that staff requests direction from Council to proceed with formal annexation activities. He went on to say that in the past the Council expressed an interest in this annexation plan. A portion of the area was annexed earlier this year. Private land

and Bureau of Land Management (BLM) land is involved. The proposed annexation area will not infringe on the Pinion Pines taxing district. Mr. Duranceau stated that signatures must be obtained from 51% of the property owners by number, who must represent 51% of the property owners by value. He went on to say that he is still attempting to contact BLM officials.

Mr. Duranceau stated that he has solicited comments from the City departments. He went on to say that there will be challenges with fire and police protection and lack of infrastructure. These items will be addressed as the process moves forward. Mr. Duranceau stated that he has had a couple of initial inquiries from property owners in the annexation area regarding the affect on property values and what type of development is anticipated.

Vice Mayor Watson asked what fire district the occupied property is in. Mr. Duranceau replied that they are not in any fire district and if the area is annexed the Kingman Fire Department will be responsible for the few houses included. Mr. Duranceau stated that there are no paved roads, water lines, or sewer lines. Councilmember Gordon asked how many houses are in the area. Mr. Duranceau stated that there are 4 or 5. He went on to say that there is illegal dumping in the area.

Councilmember Walker stated that he thinks the City should move forward with this annexation.

Councilmember Lyons stated that the City of Kingman is lagging behind as far as annexation is concerned. He went on to make a MOTION to DIRECT staff to proceed with the annexation process. Councilmember Walker SECONDED and it was APPROVED by a vote of 5-0 with Mayor Salem and Councilmember Deering abstaining.

7. EXECUTIVE SESSION

THE COUNCIL MAY GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH A.R.S.38-431.03(A)(4) TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

MOU for Sale of Effluent to Hualapai Valley Solar LLC

The City of Kingman has been approached by Hualapai Valley Solar regarding the sale of effluent produced by the upgraded Hilltop Wastewater Treatment Plant. The City of Kingman previously provided a non-binding letter indicating desire to provide the effluent. Hualapai Valley Solar is requesting a binding MOU to assist in their getting of the necessary approvals from the State. Pursuant to ARS 38-431.03(A)(4) the City Attorney advises the council go into executive session so that the City Attorney may provide legal advice and receive direction regarding the City's negotiation position. **Staff recommends Council go into executive session to discuss**

possible terms for negotiation of the MOU with Hualapai Valley Solar.

Mayor Salem resumed control of the meeting.

Councilmember Deering made a MOTION to MOVE into Executive Session at 6:42 p.m. Councilmember Young SECONDED and it was UNANIMOUSLY APPROVED.

Vice Mayor Watson made a MOTION to RECONVENE at 6:59 p.m. Councilmember Deering SECONDED and it was UNANIMOUSLY APPROVED.

Mayor Salem directed staff to move forward with the Memo of Understanding and present it at the January 4, 2010 Council meeting.

8. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

If needed

Mr. Kramer stated that a budget calendar will be presented at the January 4, 2010 meeting and a Work Session will be scheduled to discuss the budget.

Councilmember Gordon directed staff to review the information provided by Mr. Anderson and report back to the Council at a future meeting to provide advice of how to move forward with his endorsement request.

Councilmember Gordon stated that several months ago changes were made to when agenda items are to be submitted to the City Clerk's Office and when agenda information is available to Council. When the change was made, Council agreed to review it at a later date to see how the new process was working. Councilmember Gordon directed staff to bring information to the Council as to how the process is working. She went on to say that she has noticed that the first meeting of the month has a large agenda in comparison to the second meeting of the month. Councilmember Gordon stated that she would also like to know how the new timeline has affected staff.

Vice Mayor Watson stated that the at the last Clean City Commission (CCC) meeting it was noted that the Kingman EZ Recycling Program marked its yearly anniversary in November. During the year, 380.8 tons of recyclables were diverted from the landfill; with the highest number coming from mixed paper at 134.5 tons. She went on to say that it is a great program. Vice Mayor Watson stated that Sanitation Superintendent Ed Tapia attends the CCC meetings and stated that the program has surpassed all expectations with containers being picked up daily at some locations. She went on to say that she has received many positive comments from the public. Vice Mayor Watson stated that she is very proud of the program and hopes that we are all recycling.

Councilmember Deering made a MOTION to ADJOURN. Councilmember Lyons SECONDED and it was UNANIMOUSLY APPROVED.

ADJOURNMENT: 7:04 P.M.

ATTEST:

APPROVED:

Deborah Francis
City Clerk

John Salem
Mayor

STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Donna King, Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on December 21, 2009

Dated this 23rd Day of December 2009

Donna King, Recording Secretary